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APPLICATION NO.	F	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,657		03/15/2001	Keith E. Finger	RD0530-ASGCO	4923
110	7590	07/29/2002			
		HERRELL & SK	EXAMINER		
SUITE 720 1601 MARI	KET STRE		SHARMA, RASHMI K		
PHILADELPHIA, PA 19103-2307				ART UNIT	PAPER NUMBER
				3651	
				DATE MAILED: 07/29/2002	2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/808,657

Applicant(s)

Finger et al.

Examiner

Rashmi Sharma

Art Unit 3651



 The MAILING DATE of this communication appea 	rs on the cover sheet with the correspondence address
Period for R ply	
A SHORTENED STATUTORY PERIOD FOR REPLY IS S THE MAILING DATE OF THIS COMMUNICATION.	ET TO EXPIRE 1 MONTH(S) FROM
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In	no event, however, may a reply be timely filed after SIX (6) MONTHS from the
mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the	ne statutory minimum of thirty (30) days will be considered timely
 If NO period for reply is specified above, the maximum statutory period will apply a Failure to reply within the set or extended period for reply will, by statute, cause the 	and will expire SIX (6) MONTHS from the mailing date of this communication.
 Any reply received by the Office later than three months after the mailing date of the earned patent term adjustment. See 37 CFR 1.704(b). 	· · ·
Status	
1) 🛛 Responsive to communication(s) filed on <u>Mar 15</u> ,	2001
2a) ☐ This action is FINAL . 2b) ☒ This ac	tion is non-final.
3) Since this application is in condition for allowance closed in accordance with the practice under Exp	
Disposition of Claims	
4) ☑ Claim(s) <u>1-70</u>	is/are pending in the applica
4a) Of the above, claim(s)	is/are withdrawn from considera
5)	is/are allowed.
6)	is/are rejected.
7)	is/are objected to.
	are subject to restriction and/or election requirem
Application Papers	· ·
9) The specification is objected to by the Examiner.	
10) The drawing(s) filed on is/	are a∏ accepted or b)⊡ objected to by the Examiner.
Applicant may not request that any objection to the draw	
	is: a☐ approved b)☐disapproved by the Examiner.
If approved, corrected drawings are required in reply to	this Office action.
12) The oath or declaration is objected to by the Examin	er.
Priority under 35 U.S.C. §§ 119 and 120	
13) \square Acknowledgement is made of a claim for foreign prior	ority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐None of:	
1. ☐ Certified copies of the priority documents have	been received.
2. Certified copies of the priority documents have	been received in Application No
3. Copies of the certified copies of the priority do	cuments have been received in this National Stage
application from the International Bureau *See the attached detailed Office action for a list of the	certified copies not received.
14) Acknowledgement is made of a claim for domestic p	
a) The translation of the foreign language provisional	
15) Acknowledgement is made of a claim for domestic p	riority under 35 U.S.C. §§ 120 and/or 121.
Attachment(s)	
1) Notice of References Cited (PTO-892)	4) Interview Summary (PTO-413) Paper No(s)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informat Patent Application (PTO-152)
3)Information Disclosure Statement(s) (PTO-1449) Paper No(s)	6) Other:

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DETAILED ACTION

Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-38, drawn to a belt scraper, classified in class 198, subclass 499.
 - II. Claims 39-57, drawn to a blade assembly, classified in class 198, subclass 497.

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- III. Claims 58-70, drawn to a torsional tensioner, classified in class 267, subclass 166. 71-80
- 2. Inventions I, II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination can be utilized without the specific limitations of the torsional tensioner subcombination. The subcombination has separate utility such as being able to tension any type of member including those found in particular types of vibratory conveyors.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II or III, restriction for examination purposes as indicated is proper.

- 5. If Group I is selected the following species requirement stands.
- 6. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I, Figure 1 drawn to a scraping arrangement;

Species II, Figure 9 drawn to an alternative arrangement of the tensioning arrangement;

Species III, Figure 10A, 10B, 10C drawn to a blade holder, a scraper blade and a scraper blade holder;

Species IV, Figure 11 drawn to a snap on blade;

Species V, Figure 12A and 12B drawn to an alternative blade removal lever mechanism;

Species VI, Figure 15 drawn to an alternative scraping system;

Species VII, Figure 16A and 16B drawn to an alternative embodiment of an outer collar for the tensioning arrangement;

Species VIII, Figure 17A and 17C drawn to an alternative embodiment of a blade holder;

Species IX, Figure 18 drawn to an alternative embodiment of the scraper blade;

Species X, Figure 19 drawn to a tall scraper blade;

Species XI, Figure 20A through 20C drawn to a long-span blade holder and a snap-on scraper blade;

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Species XII, Figure 21 drawn to an alternative blade holder;

Species XIII, Figure 22 drawn to a scraper utilized as a diverter.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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7. A telephone call was made to Dann, Dorfman, Herrell and Skillman on July 26, 2002 to

request an oral election to the above restriction requirement, but did not result in an election

being made. Applicant is advised that the reply to this requirement to be complete must include

an election of the invention to be examined even though the requirement be traversed (37)

CFR 1.143).

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the

fee required under 37 CFR 1.17(I).

9. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Rashmi Sharma whose telephone number is (703) 306-5952.

JOSEPH E. VALENZA PRIMARY EXAMINER

Joseph E. Valerya

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